

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WAYNE DUKE KALBAUGH,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-16-1314-R
)	
JACOB JONES and BRYAN)	
WRIGHT,)	
)	
Defendants.)	

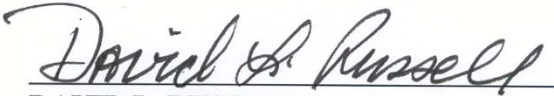
ORDER

This matter comes before the Court on Plaintiff's timely objection to the Report and Recommendation of United States Magistrate Judge Suzanne Mitchell, wherein she recommended the Court deny Plaintiff's request to amend his complaint. (Doc. No. 89). Plaintiff filed a timely objection on January 29, 2018 (Doc. No. 92), creating an obligation for the undersigned to conduct a *de novo* review of those portions of the Report and Recommendation to which Plaintiff makes specific objection. Having conducted the *de novo* review, the Court hereby ADOPTS the Report and Recommendation in its entirety. Judge Mitchell's analysis regarding Plaintiff's proposed amendment is correct, despite his protests to the contrary.

Within his objection, Plaintiff again requests the appointment of counsel. The Court finds no basis for appointing counsel. Despite his difficulty pleading the existence of a policy or custom sufficient to support a claim against Defendants Jones and Wright in their official capacities, Plaintiff's pleadings generally show the ability to represent himself adequately. The issue of alleged excessive force presented by this case is not complex and the Court does not see appointment counsel as necessary.

For the reasons set forth above, the Report and Recommendation (Doc. No. 89) is hereby
ADOPTED IN ITS ENTIRETY. Plaintiff's Motion to Amend (Doc. No. 81) is DENIED.

IT IS SO ORDERED this 30th day of January 2018.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE